



City of Hialeah

Special Use Permit (SUP)

(Packet)

The attached application Must Be Completed (Printed in ink or typed) and submitted with all enclosures referred to therein, to the Planning Division of the Hialeah Planning and Development Department, 2nd floor, City Hall, before advertisement may be made for a public hearing.

The applicant is reminded that the change requested in this application Must Be Justified and the mere filling of the application or appearance at the public hearing does not assure approval of the application.

All Questions Must Be Answered

The following forms are included in this packet.

1. Required enclosures List and Fee Schedule
2. Instructions Sheet
3. Application Form (2 Pages)
4. Disclosures of All Parties in Interest Form.
5. Sample Petition Form and Mailing Label List. (Call the Planning Division (305) 883-8075 or (305) 883-8076 to ensure correct wording of the petition. A “Petition Approval Stamp” is required).
6. Radius Map and Petition/Owners List Affidavit.
7. Declaration of Restrictive Covenants Forms.
 - * Corporate Entity
 - * Sole Proprietor or Partnership

Please Note

Letters of Authorization, Power of Attorney, etc.

Must be Notarized

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Conditional Use Permit (CUP)
Required Enclosures and Fees

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- a. **25 copies** of a **Special Purpose Survey**, (An As-Built Survey, less than six months old, which includes the square footage of the lot, square footage of permeable area, lowest finished floor elevation, and Flood Insurance Rate Map data). (At least two copies with Surveyor's embossed seal).
- b. **25 sealed copies** of a **Radius Map** showing all properties within 500 feet of the perimeter of the subject property. Map to be at a scale of 150 feet to one inch or larger. Owner's name on each parcel. **(Statement must be included on Radius Map indicating it was prepared by a certified surveyor or mapper).**

Note:

Both Survey and Radius Map shall be prepared by a Professional Surveyor or Mapper licensed pursuant to Chapter 472, Florida Statutes.

- c. **2 copies of Base Maps** (Radius Map prior to insertion of ownership on parcels) No larger than 8 ½ x 14" (legal size)
- d. **25 copies of Site Plans**, with building elevations, prepared by an engineer, architect, or landscape architect in accordance with section 32-7 (15) (6) (a) of the Hialeah Code of Ordinances. (At least 3 copies with professional's embossed seal).
- e. **Request/Owners List**, prepared as per sample. Includes verbiage on each sheet and lists properties within a 500-foot radius of the subject property, exclusive of the petitioner, stating the request to be considered.

The petition must reflect the legal descriptions, folio numbers and property addresses of all properties within a 500-foot radius of subject property, complete with names and mailing addresses of all property owners as reflected by the most recent tax records. This form must be printed in a size equal to or greater than 12 point font.

*** Condominiums ***

If the condominium board is developer-controlled, then all unit owners are to be included on the owners list.

If the condominium board is association-controlled, then only owners whose units lie on or within the 500-foot radius are to be included on the owners' list.

In both instances, the name of the association and its president, and the association's address where a notice is to be mailed, must be provided.

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Special Use Permit**

Required Enclosures and Fees
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- f. **Affidavit** stating that the **Radius Map & Request/Owners List is complete and accurate.** Signed by the individual or company who prepared said documentation.
- g. **Mailing Labels** with the name and mailing address of those owners in the radius. (Do not include duplicate names and addresses).
- h. **Disclosure of All Parties in Interest** form.
- i. **Declaration of Restrictive Covenants** forms. There are two types of forms in this packet. Submit the "Corporate Entity" form if the applicant is a registered corporation. If the applicant is not incorporated, submit the other form.
- j. **Application Fees:** Hearing fee of **\$200.00.** Triple fee shall apply if a building addition or alteration has been commenced without a building permit and/or prior to the approval of the applied for conditional use permit, if such permit is necessary in order to legally allow said building addition or alteration.

Any 100% service-connected disabled veterans, upon proof of such disability, shall receive a 50% reduction in fees for an application filed on the disabled veteran's homestead, providing the veteran has owned the homestead property according to the Public Records of Miami-Dade County, Florida, for a period of at least two years prior to the date of this application.

Prior to the hearing, city-supplied signs will need to be posted on the property. The sign(s) shall contain the day, date, time, and location of the property, and the request. The sign(s) shall also include the applicant's name the location of the property, and the request. The sign(s) shall be placed in public view on each frontage of the property with a minimum of one (1) sign per one hundred sixty five (165) feet of the frontage. These signs shall be placed a minimum of one hundred sixty five (165) feet apart. The number of signs required is determined by the Planning Division. The cost of such signs and/or signs is paid for the applicant. Each sign cost \$5.00

- k. **Be advised that at the end of a special use permit, if additional living or a square footage are granted all applicable impact fees (Parks and Recreation, Roads, Schools, etc) shall be paid, based on per unit or square footage on constructed area.**
- I. **Be advised that due to the fact that all request are unique, additional documentation may be required, be notified if additional documentation is required.**

City of Hialeah
Application for Special Use Permit Hearing
Instructions

Be advised of the following:

- (a) The Special Use Permit (SUP) will follow the property, regardless of ownership.
- (b) The information on the special use and any limitations or agreements shall be listed in the application and shall be made part of the ordinance.
- (c) Any change of the special use listed on the application will be a violation of this section of the code and cause revocation of the occupational license and the property shall revert back to the same zoning classification (without the benefit of the special use) in prior to the SUP request.

Applicant Information (Lines 1 through 4)

The individual submitting this application is required to complete this section. If the applicant is a joint property owner, a trustee, a corporation, or a representative, notarized supporting documentation is required to show that the applicant is authorized to submit the application. If property owner is a corporation, corporate seal must be affixed to the application. **Any application missing said documentation is subject to be returned.**

Property Information (Lines 5 through 8)

- Line 5 The folio number as recorded in the Miami-Dade tax rolls.
- Line 6 The address as listed in the Miami-Dade tax rolls or the approximate location.
- Line 7 Legal description as stated in the survey of the property
- Line 8 Existing Zoning Designation (Office Use Only)

Requested Adjustments (Line 9 through 9a)

- Line 9 Enter the desired conditional use.
- Line 9a If applicable, specify any limitations to request

Justification for Request (Line 10)

- Line 10 State the reason for the request
- Line 10a If applicable, state provisions to be made for official right-of-way.

Affidavit (Lines 11 through 13)

- Line 11 The applicant(s) name is printed or typed and the applications (s) relationship to the property is to be indicated. **Applications received without notarized documentation supporting the applicant's authorization to act on behalf of the legal owner to be returned. It is the applicant's responsibility to ensure that all documentation is attached.**
- Line 12 Signature of the applicant(s) whose name(s) appears on Line 11.
- Line 13 Jurat, to be completed by a Notary Public

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**Application
Information**

- 1) ☐ Owner of Property ☐ Representative
- 2) Name: _____
- 3) Home Phone: () _____ **3a)** Work Phone: () _____
- 4) Mailing Address: _____
- City: _____ State: _____ Zip: _____

**Property
Information**

- 5) Folio Number: _____
- 6) Address of Location: _____
- 7) Legal Description: _____
- _____
- _____

**Requested
Conditional Use**

- 8) Existing Zoning (Office Use): _____
- 9) Special Use desired in addition to present use:
- _____
- _____
- 9a) Special limitations or agreements _____
- _____
- _____

**Justification for
Request**

- 10) Special conditions or reasons justifying requested Special Use
- _____
- _____
- _____
- _____
- 10a) If applicable, what provisions will be made for official right-of-way
- _____
- _____

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AFFIDAVIT

State of Florida

County of _____

(I) (We) acknowledge that any corrections to submitted materials and/or supplemental requirements, if any, must be submitted before a hearing can be advertised.

11) (I) (We), _____ saw that

(I am) (We are) the

☐ Owner (s) of the property

☐ Representative of the owner of the property

and (I) (We) affirm that all answers are true and accurate to the best of our knowledge.

12) _____

Applicant(s) Signature

Applicant(s) Signature

Applicant(s) Signature

Applicant(s) Signature

13) The foregoing instrument was acknowledge before me on this _____ Day of _____, _____, By _____.

(Applicant)

DID TAKE AN OATH ☐

OR

DID NOT TAKE AN OATH ☐

PERSONALLY KNOWN ☐

OR

PRODUCED IDENTIFICATION ☐

Type of Identification Produced: _____

Signature of Notary Public

Name of Notary Typed, printed, or Stamped

My Commission Expires

Disclosure of All Parties in Interest

Type of Application: _____

Types: (Platting, Rezoning, Variance, Special use Permit, Conditional Use Permit, Final Decisions, Land Use Map Amendment).

✱ If Applicant is a Corporation or Partnership all officers and or partners shall disclose their name and addresses.

Names (s) and addresses (s) of all legal and/or equitable owners, even if said property is held in trust for same:

Name (s) and address (es) of those having any interest in a contract for sale of said property, including real estate brokers and sale persons: _____

Mortgagee (s) of Property: _____

All those having an interest in a contract for sale, shall disclose whether they are acting and/or for an undisclosed principal and, if so shall discontinue the name(s) and address (es) of the beneficiary (ies) of the trust or the principal(s) and their interest in the contract:

THE DISCLOSURE MUST BE MADE AND OR UPDATED WITHIN A REASONABLE TIME, AS MAY BE NECESSARY, IN ORDER TO ENSURE THAT THE INFORMATION DISCLOSED IS ACCURATE AT THE TIME OF FILING AND AT ALL TIMES THEREAFTER SPECIFICALLY, AT DATES UPON WHICH ACTION IS DISCUSSED AND/OR TAKEN UPON SUCH PROPERTY.

AFFIDAVIT

This is to certify that the undersigned (has) (have) prepared the foregoing disclosure of all parties in interest on property legally described as:

Located on/at: _____

(I) (We) further understand that any change (s) in said disclosure shall be updated and accurate at all times, specifically at dates upon which action is disclosed and/or taken on said property.

(I) (We) further certify that to the rest of (my) (our) knowledge it is a complete disclosure.

Signature

Signature

State of _____

County of _____

The forgoing instrument was acknowledge before me on this _____ day of

_____, _____ by _____
(Owner /Representative)

DID TAKE AN OATH ☐ OR DID NOT TAKE AN OATH ☐

PERSONALLY KNOWN ☐ OR PRODUCED IDENTIFICATION ☐

Type of Identification Produced _____

My Commission Expires

Signature of Notary Public

Name of Notary Typed, Printed, or Stamped

Request/Owners List

Subject Property: 501 Palm Avenue, Hialeah, Florida.

Zoned: GUD (Governmental Use District)

The following are property owners within a 500-foot radius of the following:
Legally described property:

Legal Description: Lots 1 through 24, block 1, town of Hialeah, according to the plat thereof, as recorded in plat book, 5, page 77, of the public records of Miami-Dade County, FL.

Request:

Special Use Permit (SUP) to allow outdoor dining and consider a variance permit to allow 50 parking spaces where 65 are required.

Contra to: Hialeah, FLA., code section 32-7.1(d) a., which states in pertinent part, “establishments serving food, liquor or refreshments, including restaurants, lounges, nightclubs, or other similar places. If dancing is not permitted or if live entertainment is not provided, then one (1) parking space for each one hundred fifty (150) square feet of gross floor area is required.”, Respectively.

	Folio # and Legal Descriptions	Owners
S	<u>Town of Hialeah, PB 5/77</u>	
A	Lot 1, Block 2 04-3118-001-0200 P.A. 600 Palm Ave	City of Hialeah P.O. Box 40 Hialeah, FL 33011
M	Lot 2, Block 2 04-3118-001-0300	Planning and Zoning 610 Palm Ave Hialeah, Florida 33010
P	<u>Bradley Manor PB 10/64</u> Tract A	Building Department 500 Palm Ave Hialeah, FL 33010
L	<u>1st ADDN Town of Hialeah PB 34/26</u>	
E	Lots 1-4, Block 4 04-3118-045-0500 P.A., 800 E 1 Ave	John Die & w/ Jane 100 Circle Drive Hialeah, FL 33166

**Radius Map and Petition/Owners List
AFFIDAVIT**

State of Florida

County of: _____

Re: Property Owners List within 500 feet of:

Address/Location: _____

Legal Description: _____

I certify that the attached ownership list, maps and mailing labels provide a complete and accurate representation of the real estate property and property owners within 500 feet of the subject property listed above. This reflects the most recent Miami-Dade County Tax records.

(Signature)

(Printed Name)

(Company Name)

Address

(Telephone)

The foregoing instrument was acknowledge before me on this _____ day of

_____, _____ by _____

DID TAKE AN OATH ☐ OR ☐ DID NOT TAKE AN OATH

PERSONALLY KNOWN ☐ OR ☐ DID NOT TAKE AN OATH

Type of Identification Produced: _____

Signature of Notary Public

Name of Notary Typed, Printed, or Stamped

My Commission Expires

Prepared by: City of Hialeah
Planning and Zoning Division
501 Palm Avenue, Second Floor
Hialeah, Florida 33010

**Declarations of Restrictive Covenants
(Special Use Permit Corporate)**

(I) (We), _____

Being the owner (s) of lands described herein:

Also known as: _____

Make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during his lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida. The undersigned is seeking an application for the approval of Special Use Permit (SUP) for the property to permit its use for (a) (an): _____

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. The use of the Property shall be limited as follows:

2. The instrument shall not become effective unless and until the undersigned's application for Special Use Permit in connection with the property is approved by the Hialeah City Council by the adoption of an ordinance and such ordinance becomes law. Upon becoming effective, this instrument shall be recorded by the Public Records of Miami-Dade County, Florida and constitute a covenant running with the title to the land described above, binding upon the undersigned its successors and assigns.

3. The instrument and the restrictions set forth herein may be modified, amended or released as to any portion of the land described above by written instrument executed by the then owner of the fee simple title of the lands to be affected by such modification, amendments, release, and

approved after public hearing by the City Council of the City of Hialeah. Should this instrument be so modified, amended, or released by the City Council, the Director of Planning Division shall be execute a written instrument that shall be recorded in the Public Recording of Miami-Dade County effectuating and acknowledging such modification, amendment or release.

4. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

5. It is understood that if the application is approved, the undersigned must comply with all applicable Federal, State, County, City laws, rules, and regulations. It is further understood that the Hialeah Code 98-165 provides as follows

“Any change of the special use listed on the application for a special use permit and as provided in the declaration of restrictive covenants submitted in connection therewith will be violation of this division and will cause revocation of the occupational license. The property shall revert as provided by the charter to the zoning classification, without the benefit of the special use the existed prior to the approval of the use.”

IN WITNESS WHEREOF, We have hereunto set our hands and seals at _____ this _____ day of _____.
(Location)

Signed, sealed, and delivered in
The presence of:

Attest: _____
Corporate Secretary

Corporate Name: _____

Typed/Printed Name

By: _____
President:

Witness
Typed Printed Name _____

Witness
Typed Name _____

State of Florida

County of Miami-Dade

The foregoing instrument was acknowledge before me on this _____ day of _____

By _____, as President _____, as Secretary, of

(Name of Officer or Agent) (Name of Secretary)

_____, a _____ corporation, on behalf of the corporation.

They are personally known to me or have produced the following _____ as identification and did (did not) take an oath and attested to the truth and accuracy of the representations contained herein.

Signature of Notary

Name of Notary, typed, printed, or
Stamped Commission No.

Prepared by: City of Hialeah
Planning and Zoning Division
501 Palm Avenue, Second Floor
Hialeah, Florida 33010

**Declarations of Restrictive Covenants
(Special Use Permit Individual)**

(II) (We), _____

Being the owner (s) of lands described herein:

Also known as: _____

Make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during his lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida. The undersigned is seeking an application for the approval of Special Use Permit (SUP) for the property to permit its use for (a) (an): _____

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. The use of the Property shall be limited as follows:

2. The instrument shall not become effective unless and until the undersigned's application for Special Use Permit in connection with the property is approved by the Hialeah City Council by the adoption of an ordinance and such ordinance becomes law. Upon becoming effective, this instrument shall be recorded by the Public Records of Miami-Dade County, Florida and constitute a covenant running with the title to the land described above, binding upon the undersigned its successors and assigns.
3. The instrument and the restrictions set forth herein may be modified, amended or released as to any portion of the land described above by written instrument executed by the then owner of the fee simple title of the lands to be affected by such modification, amendments, release, and approved after public hearing by the City Council of the City of Hialeah. Should this instrument be so modified, amended, or released by the City Council, the Director of Planning Division shall be execute a written instrument that shall be recorded in the Public

Recording of Miami-Dade County effectuating and acknowledging such modification, amendment or release.

4. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.
5. It is understood that if the application is approved, the undersigned must comply with all applicable Federal, State, County, City laws, rules, and regulations. It is further understood that the Hialeah Code 98-165 provides as follows

“Any change of the special use listed on the application for a special use permit and as provided in the declaration of restrictive covenants submitted in connection therewith will be violation of this division and will cause revocation of the occupational license. The property shall revert as provided by the charter to the zoning classification, without the benefit of the special use the existed prior to the approval of the use.”

IN WITNESS WHEREOF, We have hereunto set our hands and seals at _____ this _____ day of _____, _____.

(Location)

Signed, sealed, and delivered in
The presence of:

Witness (2 witness required)
Typed/Printed Name _____

Witness
Typed/Printed Name _____

Witness (2 witness required)
Typed/Printed Name _____

State of Florida
County of Miami Dade

I hereby certified that on this _____ day of _____, 20 _____, before me, an officer duly authorized in the State of Florida and in the County of Miami-Dade, to take acknowledge, personally appeared _____ and _____, to me known to the person (s) described herein and who executed the foregoing instrument, and he/she/they executed same.

Witness my hand and official seal this _____ day of _____, 20 _____.

Notary Public, State, of Florida

(Name of Notary Public, Print, Stamp)

Owner
Typed/Printed Name _____

Co-Owner

- ☐ Personally known to me, or
☐ Produced identification

Identification produced

- ☐ DID take an oath
☐ DID NOT take an oath